UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

STATE AUTOMOBILE MUTUAL INSURANCE CO.,

UKANCE CO.,

Plaintiff,

v. : OPINION & ORDER : [Resolving Doc. No. 5, 9]

ELECTROLUX HOME PRODUCTS,

INC., et al.,

Defendants.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this products liability case, Defendant Electrolux Home Products, Inc. moves to dismiss the Plaintiff's complaint for failure to plead claims in sufficient detail to state a claim for relief.

[Doc. 5.] Plaintiff State Automobile Mutual Insurance Co. moves to amend its complaint, seeking to supplement the complaint with details from an expert report received three days prior to the motion. [Doc. 9.]

CASE NO. 1:11-CV-02482

A district court "should freely give leave [to amend a pleading] when justice so requires." Fed. R. Civ. P. 15(a)(2). The Plaintiff evinces no dilatory purpose in moving–indeed, to expedite proceedings, the Plaintiff filed a proposed amended complaint with its motion for leave to amend three days after receiving the requisite expert report. [Doc. 9-3.] Granting leave to amend is in the

Case: 1:11-cv-02482-JG Doc #: 21 Filed: 02/07/12 2 of 2. PageID #: 202

Case No. 1:11-cv-02482

Gwin, J.

interest of justice and will not unduly prejudice Defendant Electrolux, which entity has already filed

an answer to the amended complaint. [Doc. 20.] Accordingly, the Plaintiff's motion for leave to

amend its complaint is **GRANTED**, and the Defendant's Motion to Dismiss is therefore **DENIED**

as moot.

IT IS SO ORDERED.

Dated: February 7, 2012

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

-2-